

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TANA HOLLE,

Defendant.

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ORDER

This matter is before the court on the motion to continue by defendant Tana Holle (Holle) (Filing No. 18). Holle seeks a continuance of the trial of this matter which is scheduled for March 31, 2008. Holle gave birth to her child on March 26, 2008, and additional time is needed for her to recuperate. Holle's counsel represents that government's counsel has no objections to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Holle's motion to continue trial (Filing No. 18) is granted.
2. Trial of this matter is re-scheduled for **June 3, 2008**, before the undersigned magistrate judge and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 28, 2008 and June 3, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that the defendant is unavailable for trial and is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. §§ 3161(h)(8)(A) & (B), (h)(3)(A), and (h)(4).

DATED this 28th day of March, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge